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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,317	01/26/2004	Thierry Marion	P24723	6956
7055	7590	02/21/2006	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			WALTERS, JOHN DANIEL	
			ART UNIT	PAPER NUMBER
			3618	
DATE MAILED: 02/21/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,317

Applicant(s)

MARION ET AL.

Examiner

John D. Walters

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1 – 24 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-10, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hauser et al. (6,217,041). Hauser et al. disclose a snowboard comprising:

- at least one reinforcement extending along the board, i.e. upper layer (Fig. 2, item 7);
- the reinforcement having a portion of its structure mechanically weakened (Fig. 2, item 7 & column 2, lines 18-27);
- the portion having a mechanically weakened structure is positioned in the second intermediary zone, i.e. between the binding mounting points (Fig. 1);
- the portion having a mechanically weakened structure is made by a reduction in quantity of material within the reinforcement (Fig. 2, item 7);
- the reinforcement having at least one groove being substantially linear and oriented along the longitudinal direction of the board (Figs. 1 and 2, item 7);

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- a groove of the reinforcement is plugged by a fitting, i.e. filled by a part, piece, or component (column 4, lines 20-22);
- the groove has a rounded form (Fig. 2, item 7);
- openings extending into a rider support surface in said binding mounting points (Fig. 1, items 9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, 11, 14, 16, and 18 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauser et al. (6,217, 041) in view of Partridge (6,089,581). Hauser et al. is silent on the placing a fitting within the core to create the inner surface of the groove. Partridge, however, discloses a snowboard binding mounting system comprising:

- a fitting inside of a groove extending opposite the reinforcement and the core (Fig. 7, item 36 & column 4, lines 28-32);
- said groove extending through a thickness of said reinforcement (Fig. 7);
- said groove having a length of at least 5 centimeters (Fig. 1);

- the core having a housing for the fitting which extends only along the core in order to form a bottom of a groove by being flush with the reinforcement on the side of the core (Fig. 7, item 36 & column 4 lines 28-32);
- wherein a board has a sandwich structure including a second reinforcement, and said core between said one reinforcement and said second reinforcement (Fig. 7).

In regards to claim 21, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide an appropriate length groove corresponding to the lessening of stiffness necessary for the product as designed.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide the grooves in the snowboard of Hauser et al. with the groove lining fittings of Partridge in order to segregate the inner laminations of the snowboard, in the groove area, from the elements.

Claims 15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauser et al. (6,217, 041) in view of Partridge (6,089,581) as applied to claims 1 – 14, 16, and 18 – 23 above, and further in view of Abondance et al. (5,292,148). Hauser in view of Partridge does not explicitly disclose the composition of a core section. Abondance, however, discloses a shaped ski comprising:

- a filing core made of polyurethane foam (Fig. 2, item 2).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the foam core of Abondance with the board structure of

Hauser in view of Partridge in order to provide appropriate board stiffness while reducing overall assembly weight.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hauser et al. (6,217, 041) in view of Partridge (6,089,581) as applied to claims 1 – 14, 16, and 18 – 23 above, and further in view of DeVille et al. (5,988,668). Hauser in view of Partridge does not disclose a reinforcing layer of variable thickness. DeVille, however, discloses a snowboard comprising:

- a variable thickness reinforcing layer (Fig. 5, items 28 and 29).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the reinforcing layer of DeVille with the board structure of Hauser in view of Partridge in order to provide variable tensional stiffness in the board-transverse direction.

Response to Arguments

Applicant's arguments, see page 9, filed 11/25/2005, with respect to specification objections have been fully considered and are persuasive. The objection of 7/25/2005 has been withdrawn.

Applicant's arguments, see page 6, filed 11/25/2005, with respect to objection to claims 1 and 4 have been fully considered and are persuasive. The objection of 7/25/2005 has been withdrawn.

Applicant's arguments filed 11/25/2005 in regards to 35 U.S.C. § 102 and § 103 have been fully considered but they are not persuasive.

Applicant states, "Nothing in Hauser teaches or suggests that a reinforcement...is to have even a portion that includes a mechanically weakened structure."

To reinforce is defined as to strengthen by additional assistance, material, or support. Hauser shows a snow contact surface and a binding engagement surface (Fig. 2, items 2 and 10). By definition, all layers between said working surfaces act to reinforce the structure of said board. That being the case, the reinforcing layer designated as reference number 7 in figure 2 clearly shows a center portion from which material is lessened in comparison to the outer edges of said layer.

Applicant additionally states, "Partridge fails to cure the...deficiencies of Hauser...the problems of the invention and Partridge are different...one skilled in the art would not look to Partridge..."

Partridge shows an equivalent physical structure to that of the Applicant's invention. While not explicitly disclosed to counter a similar problem, the physical structure of Partridge removes material from reinforcing layers which would result in a reduction in strength/rigidity of said layers. One skilled in the art would understand that this is a necessary result of the invention of Partridge and thus would look towards the invention of Partridge for teachings.

For these reasons, the rejections stand.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Walters whose telephone number is (571) 272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John D. Walters
Examiner
Art Unit 3618

JDW



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